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November 23, 2010

Hon. Nicholas G. Garaufis
United States District Judge
Eastern District of New York
U.S. Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201
Via Fax: 718/613-2546
and ECF

Re: *United States v. Vincent Basciano*; 05 Cr. 0060 (NGG)

Dear Judge Garaufis:

Please accept this letter as an addendum to the defense letter application of October 27, and November 15, 2010 for an order directing that Vincent Basciano be immediately returned to the Metropolitan Detention Center in Brooklyn.

One of the concerns expressed by the defense was Mr. Basciano's proximity to hostile potential witnesses, witnesses who had to submit sworn declarations in connection with the Cicale fake murder plot that he attempted to hatch at the MCC. As we feared, prospective witness Regina Eldridge, for the first time, showed up with two correction officers on November 18, 2010 at 6:30 a.m. at Mr. Basciano's cell door when he was to be fed breakfast. This was very unusual, since a Lieutenant always opens the meal slot. Ms. Eldridge had the key to the slot; she is a high ranking BOP official. Mr. Basciano was quite surprised to see her and said he did not wish her to be present at his meal. Ms. Eldridge announced that Mr. Basciano was refusing breakfast. Mr. Basciano said he was not refusing but did not want to be fed by Mr. Eldridge. He never got the meal.

Mr. Basciano quite properly did not wish to interact with Ms. Eldridge, whose credibility his lawyers questioned some time ago. While Mr. Basciano was able to return an unauthorized letter to protect himself against a claim that he possessed unauthorized correspondence, he cannot protect himself from a claim from a hostile witness that he did or said something untoward that the

government might try to use at a penalty phase on the issue of future dangerousness. Mr. Basciano has quite properly explained to a C.O. that he does not want to be in the proximity of any witnesses who were involved in the litigation surrounding the fake murder plot, including but not limited to Eldridge, Jones and Singh.

By this letter we amend our motion for transfer to MDC and place the prosecution on notice that the defense requests that any and all potential trial witnesses be kept away from Mr. Basciano.

Thank you for your consideration of this matter. We remain

Respectfully,

A handwritten signature in black ink, appearing to read "G. Goltzer", is written over the printed name.

George R. Goltzer

Richard Jasper

Ying Stafford

cc: Taryn Merkl, Esq.
Assistant U.S. Attorney
Via ECF

GRG/ms